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8 *Attorneys for Complainant*

9
10 **BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2010-322

14 **ARLANA BEVERLY CHANEY**
7705 East Farmdale Avenue
15 Mesa, AZ 85208

A C C U S A T I O N

16 **Registered Nurse License No. RN 519526**

17 **Respondent.**

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 **License History**

25 2. On or about February 20, 1996, the Board of Registered Nursing issued Registered
26 Nurse License Number RN 519526 to Arlana Beverly Chaney ("Respondent"). The license
27 expired on February 28, 2002.

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1 CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline)

3 9. Respondent's license is subject to disciplinary action under Code section 2761,
4 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined
5 by the Arizona State Board of Nursing ("Arizona Board"). Effective January 29, 2009, in an
6 action entitled, *In the Matter of Application for License by: Arlana Beverly Chaney, aka Arlana*
7 *Beverly Chaney-Weiss to Practice Registered Nursing in the State of Arizona*, effective
8 January 29, 2009, Respondent's application for license to practice as a registered nurse was
9 denied and any temporary license issued to Respondent was revoked by the Arizona Board. The
10 underlying circumstances of the discipline are that between October 20, 2006, and September 16,
11 2008, Respondent worked as a registered nurse at the Arizona Department of Behavioral Health
12 Services without a valid Arizona license. During that time, the Arizona Board received a
13 complaint that Respondent was physically and verbally abusive to a patient during a nasogastric
14 tube insertion and that Respondent forcefully inserted the tube into the patient's nostril, resulting
15 in blood coming from the patient's mouth and nose. Respondent further told him "to shut up"
16 during the procedure. After the investigation was completed, Respondent admitted to not using
17 therapeutic communication with the patient, using an incorrect syringe size, and seeing only a
18 small amount of blood around the patient's nostril. Respondent was terminated from employment
19 and surrendered her temporary Arizona nurse's license to the Board.

20 A copy of the Arizona Board's Order of Denial No. 0808069, Findings of Fact and
21 Conclusions of Law is attached as **Exhibit A**, and is incorporated herein.

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1 PRAYER


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number RN 519526 issued to
5 Arlana Beverly Chaney;

6 2. Ordering Arlana Beverly Chaney to pay the Board the reasonable costs of the
7 investigation and enforcement of this case, pursuant to Code section 125.3; and,

8 3. Taking such other and further action as deemed necessary and proper.
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10 DATED: 1/12/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Arizona Board's Order of Denial No. 0808069, Findings of Fact and Conclusions of Law

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF APPLICATION)
FOR LICENSE BY:)
ARLANA BEVERLY CHANEY)
A.K.A. ARLANA BEVERLY CHANEY-WEISS)
TO PRACTICE REGISTERED NURSING IN THE)
STATE OF ARIZONA)

ORDER OF DENIAL
NO. 0808069

On January 29, 2009, the Arizona State Board of Nursing ("Board") considered the application for licensure of Arlana Beverly Chaney, aka Arlana Beverly Chaney-Weiss ("Applicant").

FINDINGS OF FACT

1. On or about January 6, 2009, Applicant submitted a registered nurse application by endorsement to the Board.
2. From on or about October 10, 2006 to on or about September 16, 2008, Applicant worked as a registered nurse at the Arizona Department of Behavioral Health Services, Arizona State Hospital, without a valid Arizona license. Respondent told Board staff she was unaware she had to inactivate her Utah license 380372-3102 after declaring Arizona as her primary state of residence.
3. On or about August 21, 2008, the Board received a complaint from Eileen Lundberg, Assistant Chief Nursing Officer of Arizona State Hospital, stating that on July 11, 2008, Applicant was physically and verbally abusive to patient F.D. during a nasogastric tube insertion. Based on the complaint, the Board conducted an investigation.
4. According to the Arizona State Hospital Critical Incident Investigation Report #2479, the following information was reported regarding an incident that occurred on or about July 11, 2008:

a. While restraining patient F.D., Security Officers Jennifer Manley, Shawn O'Hearn, and Richard Pearson, and Mental Health Program Specialist Gabriel Kuany witnessed Applicant forcefully insert a nasogastric tube into the right nostril of patient F.D. and telling F.D. to "shut up." Witnesses reportedly saw blood coming from F.D.'s mouth and nose.

b. Applicant failed to use a 60cc syringe during the insertion and while administering the feeding to patient F.D., thereby failing to meet the prevailing standard of nursing practice.

c. Applicant failed to administer a physician-ordered prn (as needed) sedative to calm F.D. prior to the procedure.

d. Applicant failed to use therapeutic communication or provide comfort measures to patient F.D. during the nasogastric insertion, thereby failing to meet the prevailing standard of nursing practice.

e. Applicant failed to discontinue the nasogastric feeding when F.D. vomited the food supplement, when F.D. complained of being unable to breathe, and when blood and the feeding began to back up into the nasogastric tube, thereby failing to meet the prevailing standard of nursing practice.

5. On or about July 15, 2008, according to her employment records from Arizona State Hospital, Applicant was placed on administrative leave with pay pending the facility's investigation results. On or about September 16, 2008, Applicant's employment was terminated based on the facility's investigation findings.

6. In an interview with Board staff on or about December 22, 2008, Applicant denied telling patient F.D. to "shut up". Applicant admitted not using therapeutic communication with F.D. but said she was told by her supervisor, Debra Traskos, not to speak to F.D. once the

procedure began. Applicant admitted using the incorrect syringe size during the nasogastric procedure and feeding but denied inserting the nasogastric tube forcefully. Applicant admitted seeing a small amount of blood around F.D.'s nostril and possibly in her oral secretions, but not the amount as reported by security staff.

7. On January 29, 2009, the Board voted that upon meeting all licensure requirements and signing a Consent Agreement for a Civil Penalty of \$250.00 and a Decree of Censure, grant licensure. If not signed within 30 days, deny licensure based on the information in the investigative report.

8. According to Phoenix Police Department DR# 2008 81474809, on February 17, 2009, Applicant was arrested by Phoenix Police and booked on one count of vulnerable adult abuse. According to Detective T. Brown in the Vulnerable Adult Crimes Division, there was sufficient evidence to indicate that Applicant did knowingly and intentionally commit vulnerable adult abuse on patient F.D.

9. According to Maricopa County Superior Court document S-0700-CR-2009112161, on or about February 25, 2009, Applicant was indicted on one count of child/vulnerable adult physical abuse, a class 2 felony.

10. On or about February 26, 2009, Applicant contacted Board staff, stating she wished to surrender her temporary Arizona nursing license, and that she does not intend to sign the Consent Agreement as voted upon by the Board on January 29, 2009.

CONCLUSIONS OF LAW

In light of the above Findings of Fact, the Board has cause to deny the application for licensure of Arlana Beverly Chaney pursuant to A.R.S. § 32-1663(A) and (B), as defined in

A.R.S. § 32-1601(16) (d), (h), and (j), and A.A.C. R4-19-403 (B) (1), (2), (9), and (31) (adopted effective November 13, 2005).

ORDER

NOW THEREFORE, IT IS ORDERED that the application of Arlana Beverly Chaney for a license to practice as a registered nurse in the State of Arizona is denied and any temporary license issued to Applicant is hereby revoked. Pursuant to A.A.C. R4-19-609, the effective date of the Order of Denial is upon expiration of the time for filing an appeal, 30 days after the date of service of the Order of Denial.

IT IS FURTHER ORDERED that Applicant is not eligible to reapply for said license pursuant to A.A.C. R4-19-404 for at minimum, five years from the effective date of the Order of Denial.

IT IS FURTHER ORDERED that Applicant shall immediately cease and desist the practice of nursing in the State of Arizona and is not eligible to practice nursing in Arizona under the privilege of any Compact state without prior approval from the Arizona Board of Nursing.

PURSUANT TO A.R.S. § 41-1092.03, any person aggrieved by this Order may apply to the Board, in writing, within thirty days of receipt and request a public hearing with respect to this Order. If you request a public hearing with respect to this Order, you also have the right to request an informal settlement conference by filing a written request with the Board, pursuant to A.R.S. § 41-1092.06, no later than 20 days before the scheduled hearing. The conference will be held within 15 days after receipt of your request. Please note that you waive any right to object to the participation of the Board's representative in the final administrative decision of the matter if it is not settled at the conference. For answers to questions regarding the appeals process, contact Susan Barber, at (602) 889-5161.

DATED this 29th day of January 2009.

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

JR/pm

COPY mailed this 20th day of March, 2009 by Certified Mail No. 7001 1940 0003 4511 5722 to:

Arlana Beverly Chaney
7705 E Farmdale Ave
Mesa AZ 85208

By: D. Lindsey
Legal Secretary